

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DEYSHA CREECY, individually and on)
behalf of all others similarly situated,)

Plaintiffs,)

v.)

Case No.: 3-22-cv-00026-FDW-DSC

MOREHEAD RESTAURANT LLC, dba)
UPTOWN CABARET, a North Carolina)
limited liability company, BRIAN M.)
DOMINICK, an individual, DOE)
MANAGERS 1 through 3, and DOES 4)
through 10 inclusive,)

Defendants.)

ORDER GRANTING MOTION TO STAY PENDING ARBITRATION

THIS MATTER having come before the Court on the parties' Joint Motion for 9 U.S.C.

§ 3 Stay for Arbitration, and the Court having reviewed the Motion and otherwise being duly advised in the premises thereof, hereby finds and ORDERS as follows:

1. 9 U.S.C. § 3 provides:

If any suit or proceeding be brought in any of the courts of the United States upon any issue referable to arbitration under an agreement in writing for such arbitration, the court in which such suit is pending, upon being satisfied that the issue involved in such suit or proceeding is referable to arbitration under such an agreement, shall on application of one of the parties stay the trial of the action until such arbitration has been had in accordance with the terms of the agreement, providing the applicant for the stay is not in default in proceeding with such arbitration.

2. The parties have represented that there exists an agreement between the parties under which the issues Plaintiff asserts in her Complaint are referable to arbitration.

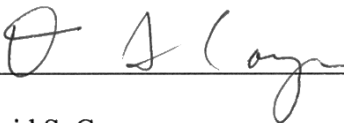
3. Defendant has agreed to waive the contractual provision that Creecy be responsible for a portion of the fees and costs charged by the arbitrator.

The Joint Motion **IS HEREBY GRANTED** as follows:

1. This suit is hereby stayed pending the outcome of arbitration in accordance with the terms of the agreement.
2. The contractual provision that Creecy be responsible for a portion of the fees and costs charged by an arbitrator is deemed to be waived by Defendants.
3. The Court retains jurisdiction to review and decide a petition pursuant to 9 U.S.C. § 5, a request for the entry of judgment upon an arbitrator's award pursuant to 9 U.S.C. § 9, to review a request to approve a resolution, or for any other proper purpose.
4. The parties shall file a status report ninety days from the date of this Order and every ninety days thereafter.

SO ORDERED.

Signed: February 24, 2022



David S. Cayer
United States Magistrate Judge

